

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES,

Plaintiff,

-against-

MARIO HERRERA,

Defendant.

No. 16 Cr. 64 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is Mr. Herrera's request, dated March 1, 2022, for the appointment of counsel, presumably to assist him in filing a new habeas petition.¹ (Dkt. No. 538.) As the Court noted in its January 12, 2022 order (see dkt. no. 536), the Court lacks the authority to appoint counsel until Mr. Herrera files a new Section 2255 petition. See 28 U.S.C. § 2255(g) (the Court may appoint counsel in "proceedings brought under this section" (emphasis added)); see also 18 U.S.C. § 3006A ("[I]f the interests of justice so require, representation may be provided for any financially eligible person who . . . is seeking relief under section . . . 2255 of title 28." (emphasis added)). If and when Mr. Herrera files a new petition under Section 2255, the Court will consider any application to appoint

¹ Mr. Herrera's prior habeas petition was denied on August 12, 2021. (See dkt. no. 8 in 19-cv-6555.) Mr. Herrera has appealed that decision, which remains pending. (See dkt. no. 9 in 19-cv-6555.)

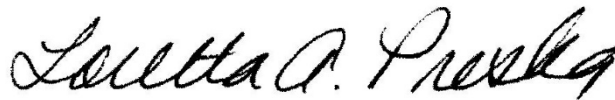
CJA counsel under Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1985).

The Clerk of the Court shall mail a copy of this order to Mr. Herrera at his last known address:

Mario Herrera
Register No. 77164-054
FCI-Hazelton
P.O. Box 5000
Bruceton Wills, WV 26525

SO ORDERED.

Dated: March 9, 2022
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge